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**FILED**  
DISTRICT COURT OF GUAM

SEP 10 2007 *mb*

JEANNE C. QUINATA  
Clerk of Court

Attorneys for Defendant LeoPalace Resort

IN THE DISTRICT COURT  
OF GUAM

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

LEO PALACE RESORT,

Defendant.

JENNIFER HOLBROOK,  
VIVIENE VILLANUEVA and  
ROSEMARIE TAIMANGLO,

Plaintiff-Intervenors,

vs.

MDI GUAM CORPORATION dba LEO  
PALACE RESORT MANENGGON HILLS  
and DOES 1 through 10,

Defendants.

) CASE NO. 1:06-CV-00028

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**FILING OF TRANSCRIPT OF  
DEPOSITION OF JENNIFER HOLBROOK  
IN SUPPORT MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Defendant Leoplace Resort hereby files with the court a copy of the transcript of the  
deposition of Jennifer Holbrook in support of its motion for partial summary judgment

DOOLEY ROBERTS & FOWLER LLP

Date: September 10, 2007

By: 

**TIM ROBERTS**

Attorneys for Defendant

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ORIGINAL

IN THE DISTRICT COURT OF GUAM

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

LEO PALACE RESORT,

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PALACE RESORT MANENGGON HILLS  
and DOES 1 through 10,

Defendants.

CASE NO. 1:06-CV-00028

DEPOSITION OF  
JENNIFER HOLBROOK  
SATURDAY,  
MARCH 17, 2007

RECEIVED  
APR 17 2007

DOOLEY ROBERTS & FOWLER LLP

The deposition of Jennifer Holbrook, called by the Defendants, pursuant to Notice and pursuant to the Guam Rules of Civil Procedure, taken at the offices of Dooley Roberts & Fowler, LLP, Suite 201, Orlean Pacific Plaza, 865 South Marine Corps Drive, Tamuning, Guam 96913, on Saturday, March 17, 2007, at the hour of 7 o'clock a.m.

That at said time and place, there transpired the following:

Cecilia F. Flores  
Freelance Stenotype Reporter  
Tel: (671) 632-0727  
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Email: chilangflores@hotmail.com

**COPY**

## A P P E A R A N C E S:

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For Defendant  
LeoPalace      Tim Roberts, Esq.  
DOOLEY ROBERTS & FOWLER, LLP  
Suite 201, Orlean Pacific Plaza  
865 South Marine Corps Drive  
Tamuning, Guam 96913

Also Present:      Michiro Niikura, Director, LeoPalace  
Administration  
May Paulino, HR Manager, LeoPalace  
Viviene Villanueva, Plaintiff-Intervenor

## I N D E X

## E X A M I N A T I O N

|                 | Direct | Cross  | Redirect | Recross |
|-----------------|--------|--------|----------|---------|
| By Mr. Roberts  | 7      |        | 148      |         |
| By Mr. Torres   |        | 134    |          |         |
| By Ms. Morrison |        | (None) |          |         |

## E X H I B I T S

|  | Defendants: | Page Marked: |
|--|-------------|--------------|
| Exhibit 1 - Defendant Palace Resort's First Request for Production Of Documents (5 pages)            |             | 6            |
| Exhibit 2 - Authorization for the Release Of Records (3 pages)                                       |             | 6            |
| Exhibit 3 - New Employee Orientation (2 pages)   |             | 15           |
| Exhibit 4 - LeoPalace Employee Handbook (17 pages)   |             | 20           |
| Exhibit 5 - Transcript of August 11, 2004 Meeting between May Paulino and Jennifer Holbrook (1 page) |             | 71           |
| Exhibit 6 - Handwritten Note dated 8/11/04 To Christina (1 page)                                     |             | 76           |
| Exhibit 7 - Letter dated August 16, 2004 to May Paulino from Phillip Torres (6 pages)                |             | 80           |
| Exhibit 8 - Front Office Work Schedule For PP July 25 - Aug 7, '04 (3 pages)                         |             | 93           |
| Exhibit 9 - Front Office Work Schedule For PP June 27 - July 10, '04 (1 page)                        |             | 95           |
| Exhibit 10- Punch Detail Report (6 pages)  |             | 105          |
| Exhibit 11- Jennifer Holbrook's Letter of Resignation (1 page)                                       |             | 91           |

## Defendants:

Page Marked:

Exhibit 12- Letter to May Paulino from  
Phillip Torres dated Aug 19, 04  
(1 page) 114

Exhibit 13- Supplemental Declaration (3 pages) 88

Exhibit 14- Statement (2 pages) 123

Exhibit 15- Memo dated April 5, 2005 to  
File from Raymond J. Griffin, Jr.  
Investigator (2 pages) 124

1 TAMUNING, GUAM: SATURDAY, MARCH 17, 2007

2  
3 MR. ROBERTS: This is the time and place  
4 set for the deposition of Jennifer Holbrook in District  
5 Court of Guam, Civil Case 06-00028. I'm Tim Roberts,  
6 I'm counsel for LeoPalace Resort; to my left is May  
7 Paulino, HR Manager; and to her left is Mr. Niikura,  
8 Director of Administration for LeoPalace Resort, I  
9 believe. Angela Morrison, an attorney with the EEOC is  
10 here with us, as is Phil Torres, counsel for the  
11 Intervenors in the case. And finally, the witness is  
12 obviously here, Jennifer Holbrook. It is approximately  
13 7:00 in the morning, it's a Saturday, I have no idea  
14 what date it is, but let's start the deposition. Oh,  
15 and I'm sorry, Vivienne Villanueva is here also, she's  
16 one of the intervenors.

17 MS. MORRISON: And if I may, before we  
18 start, the EEOC just wants to state on the record that  
19 we adopt any of Mr. Torres' form objections as to the  
20 questions as our own.

21 MR. ROBERTS: And so my understanding is  
22 that if Mr. Torres makes an objection as to the form of  
23 the question, you'll be deemed to have joined in the  
24 objection.

25 MS. MORRISON: Yes.

1 MR. ROBERTS: And I have no problem with  
2 that.

3 MS. MORRISON: Thank you.

4 MR. ROBERTS: A couple of things,  
5 preliminarily. Back on January 31st, I served a Request  
6 for Production of Documents on the Intervenors. I just  
7 got the response at 5:00 p.m. last night, it being again  
8 7:00 a.m. I have skimmed the request, but I have not had  
9 a chance to -- or I have skimmed the response, I haven't  
10 had a chance to really digest it. To the extent that I  
11 may be prejudiced today in my ability to take the  
12 witness' deposition, I'm just going to formally reserve  
13 my right to request to take your deposition again in the  
14 future if the judge thinks I'm entitled to. And we'll  
15 mark that Request for Production as Exhibit No. 1 and  
16 also a HIPPA authorization I sent to Mr. Torres several  
17 weeks ago is going to be Exhibit 2, just for  
18 identification purposes.

19 Can you swear the witness in?

20 (Witness sworn)

21 (Exhibit 1 marked: Request  
22 for Production of Documents.)

23 (Exhibit 2 marked: HIPPA form.)  
24  
25

1 TAMUNING, GUAM: SATURDAY, MARCH 17, 2007

2

3

JENNIFER HOLBROOK,

4

called by Defendant LeoPalace Resort to give her

5

deposition at this time, being first duly sworn, was

6

examined and testified on her oath, as follows:

7

DIRECT EXAMINATION

8

BY MR. ROBERTS:

9

Q. Ms. Holbrook, you were present at yesterday's

10

deposition I believe, right?

11

A. Yes.

12

Q. Did you hear all of the instructions that Greg

13

McClinton gave to yesterday's deponent, which was Yutaka

14

Maruyama?

15

A. No, I came in --

16

Q. A little late?

17

A. -- a little late.

18

Q. All right. So here's the instructions for the

19

deposition. We can't talk over each other because the

20

court reporter is typing everything that you say and I

21

say into eventually will be a transcript, a written

22

record of what you said here today. You'll have a

23

chance -- and if we talk over each other, it makes for a

24

messy deposition. So I'd ask you to wait until I'm done

25

asking the question before you give your answer, and



1 I'll try to give you the same courtesy. I'll try to  
2 wait until you're done answering the question before I  
3 start my new question. Okay?

4 A. Okay.

5 Q. There you go. That's the second rule, you have  
6 to speak up and say yes or no, you can't -- in normal  
7 conversation, people nod their head yes and shake their  
8 head no and everybody knows what everybody's meaning,  
9 but we can't do that in a deposition. Also in normal  
10 conversation, people do talk over each other, they  
11 finish each other's sentences and they shrug, but we  
12 have to try to be little more formal today.

13 My questions and the way I take depositions is  
14 a little informal, it tends to be a little  
15 conversational. If I get a little conversational and  
16 start to violate my own rules, one of these two  
17 attorneys will correct me and I'll to do better. Or if  
18 you feel that I'm going too fast or my questions are bad  
19 or too long, just tell me and I'll ask the question in a  
20 different way. All right?

21 A. Okay.

22 Q. In fact, sometimes I do that, I'll change the  
23 question in the middle of the question because I think  
24 of something else I want to ask. If I do that and it's  
25 not understandable or you don't feel that it's fair to

1 answer or you have any questions, just tell me to ask it  
2 a different way and I will.

3 A. Okay.

4 Q. All right. After the deposition is over, I  
5 mentioned that the court reporter will type this up into  
6 a booklet and you'll have a chance to read it and make  
7 any corrections you want. Depending on the kind of  
8 corrections, if you change a yes to a no, I'll be able  
9 to comment on that someday and say, "Uh-huh, this  
10 witness changed her testimony, she's not believable,  
11 ladies and gentlemen of the jury." So be careful when  
12 you make the corrections and be careful on your  
13 testimony today so you don't have to make any  
14 corrections. All right?

15 A. Okay.

16 Q. And you understand you're sworn to tell the  
17 truth?

18 A. Yes.

19 Q. And by being sworn to tell the truth, that  
20 doesn't mean that you have to have an answer to every  
21 question that I ask. What happened, the things that  
22 happened in this case happened a couple three years ago,  
23 and lots of times lawyers will say, "Where were you on  
24 the night of March 14, 2004?" Nobody knows. And if you  
25 don't remember, you can say "I don't remember" and

1 that's -- in other words, you're sworn to tell the  
2 truth, but if you don't remember something, it's fine to  
3 say "I don't remember." All right?

4 A. Okay.

5 Q. Jennifer, where did you go to high school?

6 A. GW.

7 Q. Were you born and raised on Guam?

8 A. Yes.

9 Q. And what's your mom's name?

10 A. Michoiko Holbrook.

11 Q. And your father's?

12 A. Greg Holbrook.

13 Q. And your family is from the south, right?

14 A. Yes.

15 Q. Around the Windward Hills area?

16 A. Windward Hills.

17 Q. What's your residence address?

18 A. 504 Fairway Drive, Windward Hills Golf Course.

19 Q. And you're Phil's neighbor?

20 A. Close by.

21 Q. Close by. And you went to GW; when did you  
22 graduate?

23 A. 1997.

24 Q. Did you go to college?

25 A. Yes.

1 Q. Where did you go?

2 A. University of Guam.

3 Q. And when did you graduate -- did you graduate  
4 from UOG?

5 A. Yes.

6 Q. What year?

7 A. December 2004.

8 Q. So were you going to UOG while you had your  
9 LeoPalace job?

10 A. Yes.

11 Q. Did you go to night school?

12 A. No.

13 Q. You just worked your classes around your  
14 LeoPalace schedule?

15 A. Yes.

16 Q. What was your degree in?

17 A. Consumer Family Science Nutrition.

18 Q. What was your first job out of high school?

19 A. CCP Golf Course.

20 Q. And what was your rate of pay?

21 A. \$8.50.

22 Q. And what were your job duties at CCP?

23 A. Front desk.

24 Q. What years were those?

25 A. 1997 to 2000.

1 Q. What was your next job after CCP?

2 A. I believe I applied at LeoPalace.

3 Q. Yeah, you did. You worked at LeoPalace two  
4 separate occasions, right?

5 A. Yes.

6 Q. And so I think it was 2001 you worked at  
7 LeoPalace?

8 A. Yes.

9 Q. What was your rate of pay on that first job  
10 with LeoPalace?

11 A. I believe it was \$8.50.

12 Q. What were your duties?

13 A. Front desk.

14 Q. So you were hired -- that was your starting  
15 wage, \$8.50?

16 A. Yes.

17 Q. What was your starting wage on the second time  
18 you worked for LeoPalace?

19 A. \$8.50.

20 Q. It wasn't \$6.50?

21 A. No.

22 Q. And that CCP job, did you leave the job  
23 voluntarily or were you let go?

24 A. Voluntary.

25 Q. And why did you leave the job?

1 A. Because there was an opening at LeoPalace.

2 Q. Was it for a higher pay at LeoPalace?

3 A. No.

4 Q. Lower pay?

5 A. It was the same pay.

6 Q. The same, \$8.50?

7 A. (Witness nodded head in the affirmative.)

8 Q. And who interviewed you for that first job at  
9 LeoPalace?

10 A. May Paulino.

11 Q. The same May Paulino who's here today?

12 A. Yes.

13 Q. And how long did you work for LeoPalace that  
14 first time?

15 A. I believe eight months.

16 Q. Did you have any problems with management?

17 A. No.

18 Q. Were you sexually harassed on your first job  
19 with LeoPalace?

20 A. No.

21 Q. How were you treated by management on your  
22 first job with LeoPalace?

23 A. Good.

24 Q. And why did you leave again?

25 A. I went to University of Hawaii for the Exchange

1 Program.

2 Q. Exchange program of some sort of deal with UOG?

3 A. The National Student Exchange Program.

4 Q. And how long did you live in Hawaii?

5 A. One year.

6 Q. When did you return to Guam?

7 A. May 2004 -- no, May 2002.

8 Q. And where did you work when you got back to  
9 Guam in May of 2002? Or did you?

10 A. I did, I worked at Bank of Guam.

11 Q. How long?

12 A. I don't remember.

13 Q. What was your rate of pay?

14 A. \$8.50.

15 Q. What was your next job after Bank of Guam?

16 A. Guam Junior Golf League coach.

17 Q. Do you golf?

18 A. Yes.

19 Q. And what years were those?

20 A. I believe I worked until June of that year.

21 Q. Of 2002 or 2003?

22 A. 3.

23 Q. And that's about when you started at LeoPalace?

24 A. When?

25 Q. Well, not -- I'm wrong. It was a year before

1 you started at LeoPalace, right?

2 A. (No response.)

3 Q. Let me ask it a different way. In May or June  
4 of 2003, you left the Junior Golf League?

5 A. Well, it ended.

6 Q. It ended?

7 A. Yes.

8 Q. And then did you take a job?

9 A. Yes.

10 Q. Where?

11 A. LeoPalace.

12 Q. Were you hired in 2003 or 2004 at LeoPalace?

13 A. 2004.

14 Q. On June 5th of 2004; does that sound familiar?

15 A. I believe so.

16 Q. Maybe June 7th sounds a little more familiar.  
17 Let me show you what we'll mark as Exhibit 3, this is a  
18 new employee work sheet that we've been talking about  
19 most of the week.

20 (Exhibit 3 marked: New.  
21 Employee Orientation.)

22 Q. (By Mr. Roberts) When you were interviewed by  
23 May Paulino back in 2001 for the job with LeoPalace,  
24 were you given an employee handbook?

25 A. I don't remember.



1 Q. Did you go through an orientation interview  
2 with May when she hired you in 2001?

3 A. Can you explain that better?

4 Q. What did the interview with May consist of?

5 A. I don't remember.

6 Q. Did she tell you any of LeoPalace's policies or  
7 procedures and what would be expected of you; do you  
8 remember anything like that?

9 A. I remember what my duties were supposed to be.

10 Q. Yeah, I mean they didn't just say "go over  
11 there and start working." Right?

12 A. No.

13 Q. Who was your immediate supervisor in this first  
14 job with LeoPalace?

15 A. Mr. Suzuki.

16 Q. So you and Mr. Suzuki had known each other  
17 prior to 2004 when you took your second job with  
18 LeoPalace?

19 A. Yes.

20 Q. And did you communicate with Mr. Suzuki in  
21 English?

22 A. Yes.

23 Q. And in Japanese?

24 A. Yes.

25 Q. Do you speak fluent Japanese?

1 A. No.

2 Q. *Koshi* Japanese?

3 A. Pretty well.

4 Q. You speak it pretty well?

5 A. Yes.

6 Q. It's not your native language though, right?

7 A. No.

8 Q. Because you were born here in Guam?

9 A. Yes.

10 Q. And did you learn Japanese from your mother?

11 A. Yes.

12 Q. All right. But you did communicate with Mr.  
13 Suzuki in both English and Japanese?

14 A. Yes.

15 Q. Back to Exhibit 3. Do you recognize that  
16 document?

17 A. Yes.

18 Q. What is it?

19 A. It's a new employee orientation paper.

20 Q. That's what it's called, right? Do you  
21 remember signing this document?

22 A. Yes.

23 Q. Is that your signature on the second page of  
24 the document?

25 A. Yes.

1 Q. And are those your initials on both pages of  
2 the document?

3 A. Yes.

4 Q. And this is for the second job interview with  
5 LeoPalace, right?

6 A. Yes.

7 Q. Do you see, about three quarters of the way  
8 down the line, or down the page, it says "Sexual  
9 Harassment"?

10 A. Yes.

11 Q. And there's a space for your signature to the  
12 right of that?

13 A. Yes.

14 Q. Do you remember being spoken to about Leo  
15 Palace's sexual harassment policy in June of 2004 when  
16 you took your second job?

17 A. You need to define sexual harassment policy  
18 you're talking about.

19 Q. Yeah. Do you remember any -- who interviewed  
20 you for your second job at LeoPalace?

21 A. I was interviewed I believe by Mrs. Paulino.

22 Q. Could it have been Pat Clymer?

23 A. I don't remember if it was Pat.

24 Q. All right. Whoever it was, did they discuss  
25 with you that LeoPalace had a no sexual harassment

1 policy in their workplace?

2 A. No.

3 Q. They did not?

4 A. No.

5 Q. So you checked that box across in sexual  
6 harassment?

7 A. (Witness nodded head in the affirmative.)

8 Q. You have to speak up.

9 A. Yes.

10 Q. Did you think you were checking it because  
11 sexual harassment was okay at LeoPalace?

12 A. No.

13 Q. Why do you think you were checking that box?

14 A. Because we were required to read the Employee  
15 Handbook and after we read each section, then we were to  
16 initial them.

17 Q. So did you read the Employee Handbook?

18 A. Yes.

19 Q. I'll show you what we'll mark as Exhibit 4, and  
20 ask you if you recognize this document. And be careful  
21 because the handbook has changed a couple of times, and  
22 I'm still trying to figure out which was the one -- the  
23 sexual harassment policy has not changed, but I'm trying  
24 to figure out which one it was that was in effect when  
25 you were hired.

1           A.       Okay.

2                               (Exhibit 4 marked:  
3                               Employee Handbook.)

4           Q.       (By Mr. Roberts) This is a 15-page document.  
5       And let me caution you again, it may have been in a  
6       booklet form not necessarily 8 x 11 like this is; I just  
7       don't know. I see you're looking at page 11?

8           A.       Yes.

9           Q.       And that's the page on the top of which is  
10       entitled Sexual Harassment?

11          A.       Okay.

12          Q.       Having read the section of this particular  
13       handbook -- let me strike that question. Do you know if  
14       this is the handbook you were given when you were hired  
15       in 2004?

16          A.       I don't remember.

17          Q.       Does it look similar to the handbook you were  
18       given in 2004?

19          A.       I don't remember.

20          Q.       But you know you were given a handbook?

21          A.       Yes.

22          Q.       And the handbook contained a sexual harassment  
23       policy?

24          A.       Yes.

25          Q.       And the anti-sexual harassment policy on page

1 11 of this document, was that the policy that was in  
2 effect at LeoPalace when you worked there in 2004?

3 A. (No response.)

4 Q. Let me ask it a different way. Was that  
5 LeoPalace's written policy in 2004 when you worked  
6 there?

7 A. I don't remember.

8 Q. Have you ever read -- do you ever remember  
9 reading that section of the handbook before?

10 A. Yes, but I don't remember the section fully.

11 Q. Okay. Is it your understanding that was  
12 LeoPalace's policy against sexual harassment when you  
13 worked there? Well, let me ask you -- let me strike  
14 that question, Jennifer, and ask it a different way.

15 A. Okay.

16 Q. What do you remember, what do you remember as  
17 you sit here today was LeoPalace's written policy  
18 against sexual harassment when you worked for LeoPalace  
19 in May -- or excuse me, June, July and August of 2004?

20 A. I remember in the book that it was titled  
21 Harassment and what type of forms harassment was within  
22 the policy, and that's what I remember about the  
23 harassment, was the type -- the forms of harassment that  
24 was indicated.

25 Q. Do you recall whether there were instructions

1 on what you should do if you thought you were a victim  
2 of sexual harassment?

3 A. No.

4 Q. You don't recall?

5 A. I don't.

6 Q. Do you remember from looking at Exhibit 3, does  
7 it appear to you that you were hired for the second time  
8 on or about June 7th of 2004?

9 A. Yes.

10 Q. When was your first day on the job, if you  
11 recall?

12 A. I don't remember.

13 Q. You don't remember if it was that day or the  
14 next day or the next week?

15 A. I know this day was shift orientation.

16 Q. Okay.

17 A. So I think it was maybe the next day; I don't  
18 remember.

19 Q. Okay. Well, we are here today to talk about  
20 one Christina Camacho. Do you remember meeting Ms.  
21 Camacho when you started your job?

22 A. Yes.

23 Q. And how did you meet her?

24 A. At the front desk.

25 Q. And did you meet her the first day you worked

1 there?

2 A. I believe so.

3 Q. Did you like her?

4 A. Define like.

5 Q. Well, when people meet, they introduce  
6 themselves, they chat, they have a conversation usually.  
7 Did you have a conversation with Christina when you  
8 first started working with her?

9 A. I don't remember if I did.

10 Q. All right. Now you're suing LeoPalace Resort  
11 in this case because you claim you were sexually  
12 harassed on the job, right?

13 A. Yes.

14 Q. Were you sexually harassed by Ms. Camacho on  
15 the first day of the job?

16 A. No, I don't think so.

17 Q. Did anything unusual happen with Christina  
18 Camacho the first time you worked for, that you can  
19 recall, two and a half years later?

20 A. Can you repeat your question?

21 Q. Yeah, sure thing. Was there anything unusual  
22 or remarkable that you remember about the first day you  
23 worked with Christina Camacho at Leo Palace?

24 A. During our working, she felt comfortable enough  
25 to come right out and say that, you know, she's like,



1 "Don't worry, I am a lesbian."

2 Q. Was that on the first day though?

3 A. No.

4 Q. Well, how --

5 A. She introduced herself on the first day.

6 Q. Did she introduce herself, "Hi, I'm Christina  
7 Camacho, I'm a lesbian"?

8 A. No, she just said her name.

9 Q. Okay. But at some point she said, she openly  
10 said to you, "I'm a lesbian"?

11 A. Yes.

12 Q. And what else did she say?

13 A. I don't remember what else she said, but I know  
14 she told me that --

15 Q. I thought you said something like, "Don't be  
16 uncomfortable" or something like that.

17 A. I did not say that.

18 Q. I thought you did; I'm sorry.

19 A. No, I did not say that.

20 Q. Okay. Did she say anything other than "I'm a  
21 lesbian"?

22 A. I don't remember.

23 Q. I mean, people wouldn't just ordinarily say,  
24 "Hi, I'm a lesbian." They would say, "I want you to  
25 know something" or something like that; do you remember

1 anything of that nature?

2 A. No.

3 Q. Okay. When was the first incident of what you  
4 would consider sexual harassment that you saw with your  
5 own eyes or experienced yourself at LeoPalace Resort?

6 A. From Christina? Or in general?

7 Q. In general, that you saw with your own eyes.

8 A. The first incident that I could recall would  
9 probably be with me when Christina grabbed my hand and  
10 she -- before she grabbed my hand, she asked me, "Do you  
11 think my breasts are either watermelons or melons?"

12 Q. And about how many days or weeks after you  
13 started working did Christina ask you that?

14 A. Maybe two weeks into the job.

15 Q. So you think about the third week in June?

16 A. Yes.

17 Q. And so she said, "Do you think my breasts are  
18 watermelons or melons" -- what did she say?

19 A. She asked me if I thought that her breasts were  
20 watermelons or melons.

21 Q. And did you answer her?

22 A. I didn't answer her. I was like I don't think  
23 -- I believe what I said is "I don't know."

24 Q. And then what did she do?

25 A. She grabbed my hand forcefully and tried to

1 pull it to her breast.

2 Q. And how did you react to that?

3 A. I pulled -- I jerked my hand away and I said,  
4 "No."

5 Q. Did anybody else see this?

6 A. I don't remember.

7 Q. Was there anybody else at the front desk?

8 A. I don't remember that.

9 Q. Where did it happen?

10 A. At the front desk.

11 Q. Were there any guests around?

12 A. I don't think so.

13 Q. And you don't remember if there were any other  
14 co-employees around?

15 A. Correct, I don't remember.

16 Q. And what did Christina say or do when you  
17 jerked your hand away, or when you pulled your hand  
18 away?

19 A. I don't remember after that.

20 Q. How did this make you feel?

21 A. It made me feel uncomfortable.

22 Q. So what did you do about it?

23 A. I kept my distance from her.

24 Q. Did you tell any supervisor?

25 A. No.

1 Q. Who was your supervisor at the time?

2 A. If it's the morning shift, it was with Mr.  
3 Suzuki.

4 Q. Did you ever work the evening shift?

5 A. C shift, yes.

6 Q. The C shift. And what hours are the C shift?

7 A. I believe --

8 Q. Is it 12:45 p.m. to 8:15 p.m.?

9 A. Yes.

10 Q. And who was the night manager at the time?

11 A. I believe it was Mr. Sekine.

12 Q. Sekine?

13 A. Yes.

14 Q. Do you remember Mr. Sekine's first name?

15 A. No.

16 Q. Was Greg Perez ever the night manager while you  
17 worked there?

18 A. Not on my C shift.

19 Q. So Greg -- do you remember Greg Perez?

20 A. Yes.

21 Q. Was he a night manager of some sort while you  
22 were there?

23 A. Yes.

24 Q. And so I think you're saying he came in later  
25 than 8:15 p.m. Or are you saying that?

1       A.       I believe he worked the swing shift, the mid --  
2 until the next morning.

3       Q.       Did you have a usual shift while you worked  
4 there?

5       A.       Yes.

6       Q.       What was your usual shift?

7       A.       I did a few A shifts and I always did at least  
8 two C shifts.

9       Q.       So you think it was mixed, or did you do one  
10 shift more than the other shift?

11      A.       No, it was always set to do a few A shifts and  
12 always two C shifts.

13      Q.       Always two C shifts?

14      A.       I believe so, most of the time.

15      Q.       And did you ever do the -- ever have the B  
16 shift?

17      A.       I was -- yes, I did a B shift.

18      Q.       And how about the D shift, did you ever work  
19 the D shift?

20      A.       What is the D shift?

21      Q.       It looks like 9:00 in the morning until 5:30  
22 p.m.

23      A.       I don't remember if I did a D shift.

24      Q.       Did you -- I guess I asked you this, did you  
25 tell your supervisor at the time about this incident

1 with Christine?

2 A. No.

3 Q. Did you tell any other employees about this?

4 A. At the time?

5 Q. Yeah, on this first occasion?

6 A. No.

7 Q. Did you tell Mr. Suzuki or Mr. Iijima?

8 A. No.

9 Q. Did you tell May Paulino?

10 A. No.

11 Q. Did you tell Rose? This is the first time, I'm  
12 talking about. We'll get to every incident that you can  
13 remember before we all leave today.

14 A. Okay.

15 Q. So on this first occasion, you didn't tell  
16 anybody?

17 A. I don't remember.

18 Q. Were you married at this time?

19 A. No.

20 Q. Did you have a boyfriend at this time?

21 A. Yes.

22 Q. Were you living with this boyfriend at the  
23 time?

24 A. No.

25 Q. Do you remember if you told your boyfriend when

1 you got home that night what had happened at work that  
2 day?

3 A. I don't remember.

4 Q. Did you tell any of your friends?

5 A. That day? No, I --

6 Q. About this first incident.

7 A. Not my friends, I don't think so.

8 Q. You are generally aware that Christine Camacho  
9 was fired only two days after May Paulino did an  
10 investigation in the early part of August of 2004,  
11 right.

12 MS. MORRISON: Objection; foundation.

13 Q. (By Mr. Roberts) Are you aware of that?

14 A. Yes.

15 Q. Did you see Ms. Paulino on the job, around the  
16 job site the next day, two days, three days after this  
17 first incident?

18 A. Which first incident?

19 Q. The first incident of the melons or watermelons  
20 incident, and then the grabbing of the hand, this first  
21 incident. Let me back up. This is sort of in the  
22 nature of a -- I guess a deposition instruction. I know  
23 you just want to go on and on about all the incidents  
24 together, but as lawyers we are trained, and have to,  
25 try to pinpoint exactly when things happened and what

1 happened, and what happened next, and it can get tough  
2 because people don't often remember things that way.

3 A. Okay.

4 Q. So if you'll work with me, I'll try to work  
5 with you. I'm going to go incident by incident --

6 A. Okay.

7 Q. -- and we'll see how we do; okay?

8 A. Okay.

9 Q. So now we're talking about you were hired June  
10 7th and you think probably a couple of weeks into the  
11 job Christine Camacho grabbed your -- or asked you if  
12 you thought her breasts were melons or watermelons and  
13 she tried to put your hand on her breast.

14 A. Yes.

15 Q. And that made you uncomfortable?

16 A. Yes.

17 Q. And you testified you don't think you told  
18 anybody. And now I'm asking you, did you see May  
19 Paulino over the next week on the job site?

20 A. Yes, I believe so.

21 Q. As you look back on the events of June, July  
22 and August of 2004 today, do you think you made a  
23 mistake in not reporting this incident immediately to  
24 May Paulino?

25 A. I didn't know who to report it to.



1       Q.     You had had prior jobs though, right?

2       A.     Yes.

3       Q.     And did you read the employee handbook you were  
4 given?

5       A.     For the LeoPalace?

6       Q.     Yes.

7       A.     Yes.

8       Q.     And don't you recall it said if you think you  
9 were a victim of sexual harassment, you should report it  
10 to your supervisor or to Human Resources?

11                   MS. MORRISON:  Objection; asked and  
12 answered.

13       A.     No, I didn't know who to report it to.  I  
14 didn't know that -- who exactly we have to report it to.

15       Q.     (By Mr. Roberts)  You didn't assume that would  
16 be somebody in a superior position to you?

17       A.     I knew that Mr. Suzuki was my supervisor.

18       Q.     Did you know before you took the LeoPalace job  
19 that sexual harassment in the workplace was  
20 inappropriate?

21       A.     I wasn't fully aware of what sexual harassment  
22 was prior to that.

23       Q.     And did you -- when this first incident  
24 happened, did you recognize it as sexual harassment?

25                   MS. MORRISON:  Objection; calls for a

1 legal conclusion.

2 A. Yes, I realized it was a form of harassment  
3 that I didn't have to tolerate.

4 Q. (By Mr. Roberts) And at the time you say you  
5 didn't know who to report it to when you -- did you know  
6 you ought to have reported it to someone?

7 A. Repeat your question?

8 Q. Yeah; okay, I'll ask it a different way. Did  
9 it ever cross your mind to report this to somebody?

10 A. Yes.

11 Q. And when it crossed your mind to report it to  
12 somebody, what kind of employee may have crossed your  
13 mind as to who it should be reported to?

14 A. I believe the person I did tell these  
15 incidences to --

16 Q. Wait, wait, let me --

17 A. Okay.

18 Q. I can't stop you from your answer. Let me just  
19 make my question clear.

20 A. Okay.

21 Q. I'm talking about the first incident, the very  
22 first incident; what we call the melon incident.

23 A. Okay.

24 Q. Did you think anybody in particular you ought  
25 to report that incident to?

1       A.       No.

2       Q.       Did you tell Christina Camacho anything after  
3 she did this to you? I think you said no earlier; I  
4 mean, did you tell her anything else?

5       A.       I don't remember.

6       Q.       Did you say "If you do that again, I'm going to  
7 report you"?

8       A.       No.

9       Q.       "If you do that again, I'm going to knock you  
10 on your *dah-gan*"?

11      A.       No.

12      Q.       Did you warn her or threaten her in any way?

13      A.       No.

14      Q.       Did you tell anyone after this first incident,  
15 of this melon incident, did you tell anyone at  
16 LeoPalace, "I don't want to work with Christine Camacho  
17 anymore"?

18      A.       I don't remember.

19      Q.       All right. After this first incident of the  
20 melon comment, when was the next incident of what you  
21 would now consider sexual harassment that you saw or  
22 experienced yourself at LeoPalace?

23      A.       I heard Christina using vulgar language every  
24 day that I worked with her.

25      Q.       Even the first day?

1       A.       The first day I don't remember.

2       Q.       Your second day?

3       A.       I don't remember.

4       Q.       Do you remember when the first time you heard  
5 her use vulgar language was?

6       A.       Maybe the first week.

7       Q.       And in that first week, do you remember what  
8 kind of vulgar language Christina Camacho used?

9       A.       She likes to use the "fuck" word, "shit."

10      Q.       Do you consider that sexual harassment?

11      A.       Yes.

12      Q.       So if an employee says the words "fuck" or  
13 "shit" on the job, you consider that sexual harassment?

14      A.       A form of harassment; yes.

15      Q.       Sexual harassment?

16      A.       Yes.

17      Q.       And when she said these words, was she talking  
18 to you or to others?

19      A.       I believe it was in her general vocabulary.  
20 She was using it to talk with those words.

21      Q.       That was her manner of conversation, she used  
22 swear words as a general habit in talking with people?

23      A.       Yes.

24      Q.       And in just saying sentences?

25      A.       Yes.

1       Q.     Other than those particular words -- well, what  
2 other words did you hear her say on the job? That's a  
3 terrible question that I withdraw; what other words did  
4 you hear her say on the job. Here's a different  
5 question. What's the next incident that you can  
6 specifically recall after this melon incident that  
7 involved touching?

8       A.     We were all walking to lunch --

9       Q.     When though, when did this happen?

10      A.     Maybe a week later or a week -- a week or two  
11 weeks later.

12      Q.     So this is either three weeks or four weeks  
13 into the job?

14      A.     Yes.

15      Q.     The first incident happened, was it two weeks  
16 into the job approximately?

17      A.     I believe so.

18      Q.     Okay. And so the second incident that we're  
19 going to talk about right now involving touching was  
20 either --

21      A.     The third or --

22      Q.     -- approximately three or four weeks into the  
23 job?

24      A.     Yes.

25      Q.     And what happened?

1       A.       I was wearing a black skirt that day and we  
2 were walking to lunch from the front desk --

3       Q.       Who's we?

4       A.       We would be Rose, Vivienne, Christina and I, and  
5 I believe --

6       Q.       You were walking to lunch?

7       A.       Yes, to the cafeteria.

8       Q.       So the four of you were going to have lunch  
9 that day?

10      A.       We were scheduled to have lunch.

11      Q.       Well, you were walking together?

12      A.       Yes.

13      Q.       And you were going to the cafeteria?

14      A.       Yes.

15      Q.       Where you were going to have lunch with each  
16 other?

17      A.       Yes.

18      Q.       Okay. So what happened?

19      A.       As we were walking, she tried to stick her hand  
20 under my skirt because she wanted to know if I was wet.

21      Q.       Did she say those words?

22      A.       She said, "I want to feel if you're wet."

23      Q.       And when you say she tried to put her hand  
24 under your skirt -- I know there's a lot of people here,  
25 I know this is embarrassing for you, I'm sorry, we have

1 to do it. Tell me exactly what she did.

2 A. She tried to go under my skirt to see if I was  
3 wet, she tried to reach for me in my genital area.

4 Q. Okay. Did she actually touch your genital  
5 area?

6 A. No.

7 Q. Why not?

8 A. Because I pushed her down with my hand and I  
9 said, "Stop!"

10 Q. Did Vivienne see this?

11 A. I believe so.

12 Q. Did Rose see this?

13 A. I believe so.

14 Q. So what did Christine do when you pushed her  
15 hand away and said stop?

16 A. Christina laughed at it and I ran ahead of the  
17 group.

18 Q. Ran?

19 A. Well, I went further ahead of the group.

20 Q. You walked a little faster, right?

21 A. Yes.

22 Q. And so did you have lunch with Christina and  
23 Rose and Vivienne that day?

24 A. Yes.

25 Q. Anything unusual happen during the lunch that

1 you had with those girls that day?

2 A. It was uncomfortable, I was uncomfortable. I  
3 just went, got my food, sat at the table. As soon as --

4 Q. With them though, right?

5 A. Well, I remember sitting at the end of the  
6 table.

7 Q. This is either three weeks or four weeks into  
8 the job at this point, right?

9 A. Yes.

10 Q. And you knew other employees by this time,  
11 didn't you?

12 A. Not personally.

13 Q. Did you see anybody in the cafeteria you might  
14 want to have lunch with rather than Rose, Christina and  
15 Vivienne?

16 A. No, I don't think so.

17 Q. What did you guys talk about during lunch that  
18 day, if you can remember two and a half years later?

19 A. I don't, I don't remember.

20 Q. Okay. After this -- did you report this  
21 incident to anyone?

22 A. No.

23 Q. Not to May Paulino?

24 A. No.

25 Q. Or Mr. Suzuki?